

AN ACT

relating to the admissibility of evidence in the prosecution of an offense against a family member or certain other individuals or involving exploitation of certain vulnerable individuals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Article 38.371, Code of Criminal Procedure, is amended to read as follows:

Art. 38.371. EVIDENCE IN PROSECUTION [~~PROSECUTIONS~~] OF OFFENSE COMMITTED AGAINST MEMBER OF DEFENDANT'S FAMILY OR HOUSEHOLD OR PERSON IN DATING RELATIONSHIP WITH DEFENDANT [~~CERTAIN OFFENSES INVOLVING FAMILY VIOLENCE~~].

SECTION 2. Article 38.371(a), Code of Criminal Procedure, is amended to read as follows:

(a) This article applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, for which the alleged victim is [~~that is committed under~~].

[~~(1) Section 22.01, 22.02, or 22.04, Penal Code, against~~] a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code[, ~~or~~

[~~(2) Section 25.07 or 25.072, Penal Code, if the offense is based on a violation of an order or a condition of bond in a case involving family violence~~].

SECTION 3. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.471 to read as follows:

Art. 38.471. EVIDENCE IN PROSECUTION FOR EXPLOITATION OF CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL. (a) In the prosecution of an offense under Section 32.53, Penal Code, evidence that the defendant has engaged in other conduct that is similar to the alleged criminal conduct may be admitted for the purpose of showing the defendant's knowledge or intent regarding an element of the offense.

(b) Rule 403, Texas Rules of Evidence, applies to this article. This article does not permit the presentation of character evidence that would otherwise be inadmissible under the Texas Rules of Evidence or other applicable law.

SECTION 4. The change in law made by this Act applies to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of evidence in a criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2136 passed the Senate on May 7, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2136 passed the House, with amendment, on May 22, 2019, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor